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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,456	01/16/2002	Khoi A. Phan	G0244	6520
7590	04/30/2004		EXAMINER	
Himanshu S. Amin Amin & Turocy, LLP National City Center, 24th Floor 1900 E. 9th Street Cleveland, OH 44114			FULLER, RODNEY EVAN	
		ART UNIT	PAPER NUMBER	
		2851		
DATE MAILED: 04/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/050,456	PHAN ET AL.
	Examiner Rodney E Fuller	Art Unit 2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 11 February 2004.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-6,9-21 and 23-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6,9-21 and 23-25 is/are rejected.  
 7) Claim(s) 9 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION*****Remarks***

1. In response to applicant's Amendment, dated February 11, 2004, the examiner acknowledges the cancellation of claim 7, 8 and 22. Claims 1-6, 9-21 and 23-25 are pending.
2. Regarding the 35 U.S.C. 103(a) rejection of claims 1-25 as being unpatentable over Mori, et al. (US 5,610,965), the applicant has amended claims 1, 12, 17 and 23 to recite a "reticle" in place of a "substrate." The applicant makes the argument that Mori "does not teach or suggest a semiconductor reticle temperature;" but rather "discloses detection of the temperature of a mask and/or wafer." (Emphasis added by applicant) The examiner maintains that the term "reticle" and "mask" in the context of the invention and Mori is related to the identical item. Further, the applicant makes the argument that Mori "does not disclose a control system which is proactively operative to control the exposure based on received temperature information." (Emphasis added by applicant); and that Mori "can only control by reacting to a given predetermined temperature." (Emphasis added by applicant) The examiner notes that in column 1, lines 54-57, Mori discloses the use of a "temperature monitoring system" that is used to control the exposure source based on received temperature information. Thus, the examiner has considered the applicant's arguments in light of the amended claims and maintains the rejection.

Regarding the 35 U.S.C. 102(b) rejection of claims 1-25 as being anticipated by Miyai, et al. (US 5,581,324), the examiner has considered the applicant's arguments in light of the amended claims and withdraws the rejection.

Regarding the 35 U.S.C. 102(b) rejection of claims 1-25 as being anticipated by Levinson, et al. (US 6,098,408), the examiner has considered the applicant's arguments in light of the amended claims and withdraws the rejection.

***Claim Objections***

3. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 9 depends from claim 8. However, claim 8 has been cancelled.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 9-21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori, et al. (US 5,610,965).

Mori discloses all the structure set for the claims (see Office Action mailed May 6, 2003), except Mori discloses a single sensor to provide the temperature of a semiconductor substrate, while the claimed invention utilizes "a plurality of temperature sensors." It would have been obvious to one having ordinary skill in the art at the time the invention

was made to use a “plurality of temperature sensors,” since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

*St Regis Paper Co. v. Bemis Co.* 193 USPQ 8.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E Fuller whose telephone number is 703-306-5641. The examiner can normally be reached on 8:00am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Rodney E Fuller  
Primary Examiner  
Art Unit 2851



November 6, 2003